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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/825,439	04/02/2001	Sivan Tafla	10980/015001/131857-5 JJT	1810
20529	7590	01/03/2005	EXAMINER	
NATH & ASSOCIATES 1030 15th STREET, NW 6TH FLOOR WASHINGTON, DC 20005			CARLSON, JEFFREY D	
			ART UNIT	PAPER NUMBER
			3622	

DATE MAILED: 01/03/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/825,439

Applicant(s)

TAFLA, SIVAN

Examiner

Jeffrey D. Carlson

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 12 October 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-66 is/are pending in the application.
- 4a) Of the above claim(s) 1-54, 62, 65 and 66 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 55-61, 63 and 64 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____

- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Election/Restrictions

Applicant's election with traverse of group II in the reply filed on 10/12/04 is
5 acknowledged. The traversal is on the ground(s) that the examiner has powerful
searching tools, the examiner will "most likely" search for all 3 groups and applicant has
paid filing fees for all claims. This is not found persuasive because even with quality
search tools, the examiner would be burdened by requiring searches for the details of
the layers and scrolling agent, and for the methods/system for charging for advertising.
10 Examiner has no authority to control applicant's fees or refunds due. The requirement
is still deemed proper and is therefore made FINAL.

Claims 1-54, 62, 65, 66 are withdrawn from further consideration pursuant to 37
CFR 1.142(b), as being drawn to a nonelected invention, there being no allowable
15 generic or linking claim. Applicant timely traversed the restriction (election) requirement
in the reply filed on 10/12/04.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that
20 form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed
publication in this or a foreign country, before the invention thereof by the applicant for a patent.

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Claims 55, 57, 63, 64 are rejected under 35 U.S.C. 102(a) as being anticipated by Hoyle (US6141010). Hoyle teaches the common use of methods of advertising via the Internet by providing animated gifs with associated link to additional information about the advertised product or service. This is taken to provide the steps of and programming for displaying the animated gif (a clip) to grab the user's attention as well as displaying a link to an ad (more information/advertising) stored in association with an ad server. Regarding claim 57, the language presented does not require any particular steps to be carried out, but rather generalize a user's reaction to the steps of claim 55. Nonetheless, the clip serves as a teaser and the presence of the link reminds the user of the advertising information.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 56, 58, 59, 61 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hoyle.

Regarding claim 56, It would have been obvious to one of ordinary skill at the time of the invention to have closed the window containing the newly-requested product information/advertisement when the user is done viewing it. Likewise, it would have been obvious to one of ordinary skill at the time of the invention to have gone "back" in

the browser history to the page which initially provided the animation and link so that the user can continue his web browsing.

Regarding claim 58, Official Notice is taken that animated gifs can be provided with transparency which enables the background of the rectangular/square image to
5 show the underlying page/content. It would have been obvious to one of ordinary skill at the time of the invention to have provided such transparency with the animated gif clip as well as transparent gif(s) on the product information/advertisement site in order to provide more visually exciting content.

Regarding claim 59, Official Notice is taken that online ordering of products is
10 well known. It would have been obvious to one of ordinary skill at the time of the invention to have provided such e-commerce features on the product page of Hoyle so that the user could order the product using well known command icons/buttons to request/capture the transaction information.

Regarding claim 61, Official Notice is taken that sound is well known to be
15 provided with multimedia web pages and it would have been obvious to one of ordinary skill at the time of the invention to have provided sound with the link-carrying page of Hoyle. Such would provide sound effects "associated with" the animated clip.

Claim 60 is rejected under 35 U.S.C. 103(a) as being unpatentable over
20 **Hoyle in view of Cezar et al (US6161127).** Cezar et al teaches the known use of providing ads in non-scrolling frame sets [fig 1, col 1 lines 49-62] so that users cannot scroll the ads of the page they are viewing. It would have been obvious to one of

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ordinary skill at the time of the invention to have provided such anti-scrolling technology with that of Hoyle in order to guarantee that the ads are viewed by users.

Conclusion

5 Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jeffrey D. Carlson whose telephone number is 703-308-3402. The examiner can normally be reached on Mon-Fri 8:30-6p, (off on alternate Fridays).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Eric Stamber can be reached on 703-305-8469. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. 15 Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Jeffrey D. Carlson
Primary Examiner
Art Unit 3622